

REMARKS

By this amendment, Claims 1, and 4 are currently amended, Claims 5-6 remain as previously amended, and Claims 2, 3, and 7 remain as previously presented, and Claim 8 is new.

The above-identified Office Action has been reviewed and the references carefully considered. In view hereof, the present amendment is submitted. It is contended that by the present amendment all bases of rejection set forth in the Office Action are traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant acknowledges that the preliminary amendment filed on October 31, 2007 has been entered.

The Applicant also acknowledges that the Examiner is considering the information disclosure statement submitted on April 26, 2007.

Applicant further acknowledges that the Examiner has made of record, yet not relied upon, the following prior art: 2008/0029466 to Gehrig et al.; 5,491,878 to Janouschek; 5,864,924 to Rodriguez; 5,794,312 to O'Mahony; 2,884,219 to Glover; 5,372,345 to Schmidt; 6,330,962 to Rodriguez; and 6,134,753 to O'Mahony.

Claim Objections

The Examiner objected to Claim 4 because "the optical glass" was drawn into the claim while it did not appear to be part of the claimed invention. For purposes of examination, the Examiner considered Claim 4 to be drawn to the combination of a holder device and the optical glass.

The Applicant has amended Claim 4 to now include the optical glass in the preamble, thus clarifying that Claim 4 is now drawn to the combination of the holder device and the optical glass. As such, withdrawal of the objection to Claim 4 is respectfully requested.

Furthermore, the Examiner objected to Claim 1 on the basis that "the axis of the body" lacked antecedent basis. Claim 1 has been amended to specify that the body has "an axis extending the length of said body." Therefore, Claim 1 no longer lacks antecedent basis, and the Applicant respectfully requests the Examiner withdraw the objection of Claim 1.

Allowable Subject Matter

The Applicant acknowledges that the Examiner stated that Claims 3-7 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. As such the Applicant is presenting herein a new Claim 8 which includes the limitations found in Claim 3 as well as the base claim and any intervening claims upon which Claim 3 is dependent upon. Therefore, the Applicant respectfully requests a notice of allowance of Claim 8.

Furthermore, the Applicant has presently amended Claim 4 to be an independent claim. Claim 4 now includes the limitations of Claim 1 upon which it was previously dependent. Therefore, the Applicant respectfully requests a notice of allowance of Claim 4. Additionally, Claims 5-7 have not been amended in the present amendment and remain dependent upon Claim 4. As such, Claims 5-7 are now dependent upon an allowable claim, and the Applicant respectfully requests a notice of allowance of Claims 5-7 as well.

Claim Rejections 35 U.S.C. 103

The Examiner has rejected Claims 1-2 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,511,705 to Dreszer. 35 U.S.C. § 103(a) states that:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Applicant traverses the Examiner's rejection.

The Examiner contends that Dreszer discloses a series of evenly spaced positioning notches (reference numeral 36 of Figure 1) as required by Claim 1. However, the Applicant respectfully contends that Dreszer does not teach or suggest a series of evenly spaced positioning notches. The Applicant contends that the notches of Dreszer are not evenly spaced. As seen in Figure 1 of Dreszer, the cited notches are spaced unevenly along the bar. Therefore, Dreszer fails to disclose evenly spaced positioning notches as required by Claim 1.

Furthermore, it would not have been obvious to one of ordinary skill in the art to modify Dreszer's notches to be evenly spaced because, as seen in Figure 1 of Dreszer, many of the notches are used in pairs, and the distance between the paired notches is fixed and dependent upon the geometric configuration of the rear wall portion of the hanger clip (designated as reference numeral 44 of Dreszer). In addition, the lower end portion of the hanger clip (48, 50, and 52 of Dreszer) needs to be sufficiently wide so that it can support additional elements such as a bin or bags or the like. Therefore, as shown in Figure 1 of

Dreszer, the lower end portions of the hanger clips are significantly wider (distance between elements 52 on each pair of holder grips) than the distance between the upper end portions (44). As such, the series of paired notches may not be evenly spaced because the lower end portions require additional space. Moreover, it is because of this reason that the notches in Dreszer are unevenly spaced as shown in Figure 1 of Dreszer. One of ordinary skill in the art would not position the notches of Dreszer to be evenly spaced because there would be inadequate room to use all of the notches, and many would be rendered useless.

Therefore, Dreszer fails to teach or suggest that one of ordinary skill in the art would use a series of evenly spaced positioning notches. Thus, the Applicant respectfully requests the Examiner withdraw the rejection of Claim 1.

The Examiner has rejected Claim 2 for the same bases that Claim 1 was rejected. The Examiner has not stated any additional basis upon which Claim 2 was rejected. Therefore, the Applicant respectfully requests the Examiner withdraw the rejection of Claim 2 as Claim 1 is now argued as allowable.

Finally, the Examiner states that Claim 3 would be allowable if rewritten in independent form including the limitations found in the base Claim 1 and intervening Claim 2. The Applicant argues herein that Claims 1 and 2 are allowable. Therefore, the Applicant respectfully requests a notice of allowance of Claim 3 as Claims 1 and 2 are now argued as allowable.

Applicant submits that the claims presented herein define patentably over the prior art of record herein.


Conclusion

It is respectfully submitted by this amendment that all bases of rejection and objection have been traversed and overcome and thus, it is contended that the application has now been placed in condition for allowance. A notice to this effect is, therefore, respectfully requested.

If the Examiner feels that prosecution of this application can be expedited, then he is courteously requested to place a telephone call to the Applicant's attorney at the number listed below.

Respectfully submitted,

Dated: July 30, 2008


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